

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference 44 223		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2004/004395	International filing date (day/month/year) 26.04.2004	Priority date (day/month/year) 24.04.2003
International Patent Classification (IPC) or both national classification and IPC		
Applicant BANSS SCHLACHT- UND FÖRDERTECHNIK GMBH		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/004395

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
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International application No.

PCT/EP2004/004395

Box No. II Priority

1. The following document has not yet been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/004395

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims	1-26	YES
	Claims		NO
Inventive step (IS)	Claims	1-26	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims		NO

2. Citations and explanations:

- 1 In the present report, reference is made to the following documents:

D1: DE 101 24 396 A (BANSS SCHLACHT UND FOERDERTECH) 28 November 2002 (2002-11-28)

- 2 The document D1 is considered as the closest prior art. It discloses a scalding tunnel for slaughter animals from which the subject matter of independent claim 1 differs in that the air circulation in the tunnel takes place by means of the arrangement of multicomponent-discharging nozzles which give off a mixture of steam and atomized water. Such an arrangement makes possible the circulation of the interior atmosphere in the scalding tunnel without fans which are very costly in space and energy consumption.

The use of fans is the customary procedure for achieving homogeneous and stable atmosphere in the scalding tunnel, and, although multicomponent-discharging nozzles are known from the prior art, their use for setting the air conditions in a scalding tunnel is not disclosed in any document.

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

Therefore, it would not be considered as a customary procedure to a person skilled in the art to combine all of the features set forth in claim 1 with one another.

Claims 2-15 are dependent on claim 1 and thus likewise meet the PCT requirements for novelty and inventive step.

3. Independent claim 16 discloses a method for scalding slaughter animals in a scalding tunnel which differs from the closest prior art in that the air is renewed by multicomponent-discharging nozzles which give off a mixture of steam and atomized water. Such a method makes it possible to dispense with a costly and complicated fan system to achieve homogeneous atmospheric conditions in the tunnel.

A person skilled in the art would also not consider it a customary procedure to combine all of the features set forth in claim 1 with one another, since no setting method for the atmospheric conditions in a scalding tunnel is described in the prior art, which comprises using multicomponent-discharging nozzles.

Claims 17-26 are dependent on claim 16 and thus likewise meet the PCT requirements for novelty and inventive step.